

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

David Klucka,

Plaintiff

v.

David B. Barker, et al.,

Defendants

2:15-cv-02162-JAD-NJK

**Order Adopting Report and
Recommendation, Overruling
Plaintiff's Objections, Denying Motion
for Preliminary Injunction, and
Dismissing Case
[ECF 3, 4, 6]**

Nevada Southern Detention Center inmate David Klucka brought this civil-rights suit against Nevada state district court judges David Barker and Douglas Smith for “ma[king] court rulings that violated [his] Sixth, Eighth, and Fourteenth Amendment Civil Rights.”¹ Magistrate Judge Nancy Koppe screened Klucka’s complaint as required under 28 USC 1915(e)(2).² She recommends that I dismiss this case with prejudice. Klucka objects.³ Having reviewed Judge Koppe’s findings and conclusions *de novo*, I adopt her report and recommendation in its entirety. Because all of Klucka’s claims against Judges Barker and Smith stem from actions taken by the judges in their official judicial capacities, they are absolutely immune from Klucka’s claims,⁴ amendment would be futile, and Klucka’s objections do nothing to cure or obviate these fatal defects in his claims.⁵

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s Objections to Report and Recommendation [ECF 4] are **OVERRULED**; Magistrate Judge Koppe’s Report and Recommendation [ECF 3] is **ADOPTED**; this case is **DISMISSED WITH**

¹ ECF 1-1 at 2.

² ECF 3 at 1.

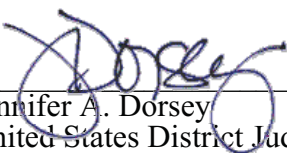
³ ECF 4.

⁴ See e.g. *Nixon v. Fitzgerald*, 457 U.S. 731, 766 (1982); see also *Miller v. Davis*, 521 F.3d 1142, 1145 (9th Cir. 2008).

⁵ ECF 4.

1 **PREJUDICE**; and plaintiff's Motion for Preliminary Injunction [ECF 6] is **DENIED** as moot. The
2 Clerk of Court is instructed to **CLOSE THIS CASE**.

3 Dated: December 7, 2015.

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6 Jennifer A. Dorsey
7 United States District Judge
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